

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Cornell Daniels,	:	
	:	
Petitioner,	:	08 CV 5289(SCR)(LMS)
	:	
-against-	:	<u>ORDER</u>
	:	
John Lempke, Superintendent,	:	
Five Points Correctional Facility,	:	
	:	
Respondent.	:	

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LISA MARGARET SMITH, United States Magistrate Judge,

Upon the petition for issuance of a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, dated April 9, 2008 a copy of which is annexed, it is hereby ORDERED that:

1. Within sixty (60) days of the date of this order, respondent shall serve a copy of his answer to the petition on the petitioner herein and file the original thereof with proof of service with the Clerk of this Court in White Plains, New York;
2. Respondent shall also submit the transcript of the trial and copies of all briefs, memoranda, etc. and decisions on appeal or in connection with proceedings pursuant to New York Criminal Procedure Law Article 440;
3. Petitioner, within thirty (30) days after the filing of the answer, shall serve upon respondent's attorney and file his reply to the answer, if any, with the Clerk of this Court in White Plains, New York; and
4. Service of a copy of this Order shall be made by the Clerk of this Court by regular mail to petitioner Cornell Daniels 02A3594, Five Points Correctional Facility, State Route 96, PO Box 119, Romulus, NY 14541 and to John Lempke or his successor at the Five Points Correctional Facility, and to the Attorney General of the State of New York, 120 Broadway, New York, New York 10271, and by certified mail together with a copy of the petition to the District Attorney of Westchester County, 111 Martin Luther King Blvd., White Plains, NY 10601.

Dated: June 20, 2008
White Plains, New York



LISA MARGARET SMITH
United States Magistrate Judge